

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 L-02 IO-10 OES-05 SS-15 NSC-05

CCO-00 CIAE-00 OTPE-00 FCC-02 INR-07 NSAE-00 OC-05

COME-00 BIB-01 DODE-00 DOTE-00 FMC-02 CG-00 OFA-01

DLOS-05 TRSE-00 ACDA-10 PM-03 NASA-02 /095 R

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: ETEL, UK

SUBJECT: MARITIME SATELLITE CONFERENCE

REF: STATE 52549

1. MAKINS, AT TIME OF VISIT TO DEPARTMENT REPORTED REFTTEL, SAID MELLON, FCO, WOULD APPRECIATE BACKGROUND OF US POSITION REGARDING PARTICIPATION IN INMARSAT THROUGH DESIGNATED TELECOMMUNICATIONS ENTITY. SUBSTANCE OF WHAT MAKINS WAS TOLD, WHICH HE SAID HE WOULD REPORT, FOLLOWS. EMBASSY CAN BRIEF MELLON AND DRAW ON SAME MATERIAL, IF IT CONSIDERS IT DESIRABLE IN LIGHT OF SOME OF HIS OBSERVATIONS IN LUNCH WITH COLWELL AND GRIP TWO WEEKS AGO.

2. US POSITION IS THAT IT CANNOT PARTICIPATE IN INMARSAT UNLESS PROVISION MADE FOR IT TO DESIGNATE A UNCLASSIFIED

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PRIVATE, NON-GOVERNMENTAL ENTITY TO EXERCISE CERTAIN

OF ITS RIGHTS AND TO DISCHARGE CERTAIN OF ITS OBLIGATIONS UNDER THE AGREEMENT. ENTITY WOULD ASSUME FULL FINANCIAL AND OPERATING RESPONSIBILITY ON BEHALF OF US. UPON SUCH DESIGNATION, USG WOULD NOT BE DIRECTLY OR INDIRECTLY LIABLE OR IN ANY WAY RESPONSIBLE FOR ANY SUCH OBLIGATIONS NOR WOULD IT FUNCTION AS SOME KIND OF GUARANTOR. THIS PRINCIPLE BASIC TO US PARTICIPATION, AND USG CANNOT PARTICIPATE IN INMARSAT IF PRINCIPLE NOT CLEARLY UNDERSTOOD AND ACCEPTED BY ALL MEMBERS OF ORGANIZATION, AND UNLESS INSTITUTIONAL DOCUMENT OR DOCUMENTS CONTAIN SPECIFIC PROVISION TO THIS EFFECT.

3. PRINCIPLE IS NOT NEW NOR IS IT NEGOTIABLE. ITS BASIS IS LONG-STANDING USG POLICY TO RELY ON PRIVATE ENTERPRISE SYSTEM TO SATISFY TELECOMMUNICATIONS NEEDS. POLICY HAS BEEN INTERPRETED TO REQUIRE THAT ALL FUNCTIONS NORMALLY ASSOCIATED WITH PROVIDING TELECOMMUNICATION SERVICES BE PERFORMED BY THE PRIVATE SECTOR. THESE FUNCTIONS INCLUDE DESIGN, ENGINEERING, SYSTEM MANAGEMENT AND OPERATION, MAINTENANCE AND LOGISTICAL SUPPORT.

4. PRINCIPLE ALSO FIRMLY EMBODIED US LEGAL TRADITION. LEGISLATION AUTHORIZING US PARTICIPATION IN INTELSAT PROVIDED SUCH PARTICIPATION WOULD BE BY A PRIVATE ORGANIZATION. THERE IS NO REASON TO BELIEVE THAT CURRENT CONGRESS WOULD AGREE TO ALLOW USG TO ENTER INTO INMARSAT WITHOUT CLEAR UNDERSTANDING THIS PRINCIPLE IS ACCEPTED. NOR WOULD THE ADMINISTRATION SUGGEST THAT ANY POLICY CHANGE IN THIS RESPECT IS APPROPRIATE OR DESIRABLE.

5. WE DO NOT CONSIDER THIS POSITION IN CONFLICT WITH ANY INTERNATIONAL AGREEMENTS, PARTICULARLY 1967 TREATY ON PRINCIPLES GOVERNING ACTIVITIES OF STATES IN EXPLORATION AND USE OF OUTER SPACE, AND 1972 CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS, AS SUGGESTED BY USSR AND REPORTED REFTEL. THERE IS NO QUESTION BUT THAT WE WILL HONOR OUR COMMITMENTS UNDER INTERNATIONAL AGREEMENTS.

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6. IN DESIGNATING AN ENTITY, USG WOULD NOT BE SEVERING ITSELF FROM DIRECT INVOLVEMENT IN INMARSAT. IN ADDITION TO SIGNING INTERGOVERNMENTAL AGREEMENT, USG WOULD PROVIDE GUIDANCE TO ENTITY WHERE ISSUES AROSE WHICH AFFECTED ABILITY TO ACHIEVE FOREIGN POLICY OBJECTIVES.

7. PLEASE REPORT RESULTS DISCUSSION WITH MELLON
AND ASSESS UK WILLINGNESS ACCEPT US POSITION. INGERSOLL

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